

REMARKS

Applicant respectfully requests consideration of the subject application as amended herein. This Amendment is submitted in response to an Office Action mailed on May 26, 2004. Claims 1-29 are rejected. In this amendment, claims 1-3, 6, 8, 9, 11-13, 17, 24-26, 28 and 29 have been amended. Claims 4 and 5 have been canceled without prejudice. Claim 30 has been added. No new matter has been added.

Claims 1-29 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tso, et al. (U.S. Patent No. 6,421,733, hereinafter "Tso"). As discussed below, the pending claims are patentable over the above references.

Tso discloses a system for transcoding data transmitted between computers. The system provides for invocation of transcode service providers based upon a predetermined selection criterion. A selection criterion may be changed by accessing a pop-up window that includes a hypertext link that may be selected by the user to download specialized client software, and a three-state switch having "ON," "OFF" and "AUTO" settings.

Contrary to the presently claimed invention, changing of the selection criterion in Tso is performed before identifying a file reference for the data which exchange mode should be changed. For example, in Tso, after the user selects "ON" or "AUTO" from the pop-up window, he or she has to click on the link in this or another browser window, requesting retrieval of data pointed by the link's URL. Hence, in Tso the user has to perform at least 2 separate actions to retrieve a new document using a different transcoding service or proxy mode, i.e., the first action changing a selection criterion, proxy mode or transcoding service (by selecting an interface element from the pop-up window), and the second action selecting a new document for data retrieval (by pressing and releasing the mouse button over the link). If

the pop-up window is not visible, the user needs to perform an additional operation to render the pop-up window visible before making a selection, and then to perform an extra operation to hide the pop-up window once the selection is made. Such a large number of additional operations makes changes of the selection criterion inconvenient for the user.

In the presently claimed invention, in contrast, if the user places a cursor inside a selectable area associated with the file reference and activates the cursor control device, a list of data exchange modes is displayed in the vicinity of the cursor while the cursor control device remains activated. If the user places the cursor over a data exchange mode from the list and then deactivates the cursor control device, the data exchange mode is selected and used for issuing requests to retrieve data associated with the file reference. Hence, the claimed method provides a convenient mechanism for selecting and changing data exchange modes and allows a user to perform such a change for every new document request, if desired.

Thus, Tso does not teach or suggest at least the features of the present invention that are included in the following language of claim 1:

- ...detecting that a user has activated a cursor control device while a cursor is inside a selectable area associated with a file reference;
- displaying a list of one or more selectable data exchange modes in the vicinity of the cursor, while the cursor control device is activated;
- detecting that the user has deactivated the cursor control device after placing the cursor over a data exchange mode selected by the user from the list; and
- issuing a request to retrieve data associated with the file reference in accordance with the selected data exchange mode.

Similar language is also included in independent claims 1, 24 and 28. Accordingly, claims 1, 24 and 28, and their corresponding dependent claims, are not anticipated by Tso.

With respect to independent claim 17, Tso discloses a system where the browser is configured to send all content requests through the local or remote proxy. If the requested object is cached, the proxy passes the cached object to the browser for rendering. If the

requested object is not cached, the proxy transmits a request to the destination content server, selectively modifying exchanged data or using different transcoding services in accordance with current selection criterion. Thus, in Tso, the proxy always has to be present, which may affect browsing performance and enable third party to monitor all content requests from the user.

In the presently claimed invention, in contrast, a user selection of a specific data exchange mode may cause content requests to be issued directly to a destination content server, bypassing the proxy. For example, as discussed in the specification of the present invention, in one embodiment, the proxy may be only used if its URL is added before the request URL. In this way, the user is provided with an option to retrieve content with the maximum available speed, without being monitored by third parties.

Accordingly, Tso does not teach or suggest the features included in the following language of claim 17:

- ...receiving an indication of a data exchange mode chosen by a user for a desired file reference;
- determining, based on the data exchange mode, whether data associated with the desired file reference should be retrieved directly from a destination network server storing the data; and
- if the data should be retrieved directly from the destination server, issuing a data request to the destination network server without sending the data request to a proxy; and
- if the data should not be retrieved directly from the destination server, directing a request for data to a proxy for a modification in accordance with the data exchange mode.

Similar language is included in independent claims 26 and 29.

Thus, claims 17, 26 and 29, and their corresponding dependent claims, are not anticipated by Tso.

Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §§ 102(e) and submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Marina Portnova at (408) 720-8300.

Respectfully submitted,

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